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THE COURT: The process of sentence must be an individual process. I am, as I say, concerned about the difference in the treatment between Mr. Leccese and Mr. Sandler, but there is a difference between them as individuals, as Mr. Cabell has pointed out. I don't know very much about Mr. Leccese's case, but I have before me Mr. Sandler who has a substantial criminal history, what Mr. Cabell calls a true career offender. Sixteen juvenile adjudications, juvenile adult convictions, including convictions for violent crimes including breaking and entering, assault with a dangerous weapon. I looked through the criminal history and I see that it might be the longest sentence ever imposed is two years committed, I'm not sure, but something like that.

This offense was committed within a short period after Mr. Sandler's release from another sentence. His history does not give me comfort that he will be easily be deterred from crime in the future except with a long sentence. And so ten years is a long sentence. What's the difference between ten years and 12 and a half years? And I make the determination, actually, frankly, after listening to Mr. Rugo, because I have a better picture of this offense. This is an offense, as I heard Mr. Rugo say, committed where there were a number of especially vulnerable victims who were put in

1 danger. And I can't ignore that or can't think that that
2 requires serious consideration and may provide the answer
3 between ten years and 12 and a half years.

4 Then I consider the what I am going to call --
5 well, I don't want to characterize it, but the additional
6 factor that Mr. Sandler made Mr. Rugo twice a victim. I think
7 there's a certain sociopathy in that that is not relieved by
8 the fact that Mr. Sandler had a terrible childhood. He did,
9 and I do not overlook that, and I do not put aside the fact
10 that he had an undiagnosed and untreated condition; but there
11 is something especially dastardly about the constellation
12 surrounding this offense, including the specially vulnerable
13 victims for which there is no necessary adjustment. The
14 probation department talked about putting firefighters at risk
15 and first responders, but the people who lived in those
16 apartments were especially vulnerable. And then the second
17 effort, the collecting money from Mr. Rugo, who was trying to
18 figure out what happened to him and how it happened.

19 So I'm not going to grant any departure. I'm going
20 to sentence Mr. Sandler in accordance with the guidelines,
21 because I think the guidelines provide a reasonable range.

22 The break I am going to give Mr. Sandler is that I
23 am going to sentence him at the low end, because I think an
24 argument can be made that a sentence higher than the low end
25 can be appropriate under the circumstances of this offense.

1 So in recognition of the problems of his childhood
2 and his undiagnosed mental condition, I will sentence him at
3 the low end of the guidelines.

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